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FORTRESS INVESTMENT GROUP LLC,  
FORTRESS CREDIT CO. LLC,  
VLSI TECHNOLOGY LLC

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

INTEL CORPORATION and APPLE INC.,

Plaintiffs,

v.

FORTRESS INVESTMENT GROUP LLC,  
FORTRESS CREDIT CO. LLC, UNILOC  
2017 LLC, UNILOC USA, INC., UNILOC  
LUXEMBOURG S.A.R.L., VLSI  
TECHNOLOGY LLC, INVT SPE LLC,  
INVENTERGY GLOBAL, INC., IXI IP, LLC,  
and SEVEN NETWORKS, LLC,

Defendants.

Case No. 3:19-cv-07651-EMC

**DEFENDANTS' JOINT MOTION AND  
[PROPOSED] ORDER TO EXTEND  
DEFENDANTS' DEADLINES TO  
RESPOND TO THE FIRST AMENDED  
COMPLAINT AND SET A BRIEFING  
SCHEDULE**

Pursuant to Civil Local Rules 6-1 and 6-3, Defendants<sup>1</sup> respectfully move the Court to set October 6, 2020 as the deadline to respond to plaintiffs Intel Corporation's and Apple Inc.'s (collectively, "Plaintiffs") sealed amended complaint (the "FAC"), and to set a corresponding briefing schedule commensurate with the time proportions identified in Local Rule 7-3. Defendants' responses are currently due on August 18, 2020. Weber Decl. ¶ 2. For the reasons set forth below, Defendants' request for a seven-week extension is appropriate given the length of the FAC, the breadth of Plaintiffs' allegations, and the need to coordinate among numerous separately represented parties.

### **MEMORANDUM OF POINTS AND AUTHORITIES**

On August 4, 2020, Plaintiffs filed a 132-page FAC, consisting of more than 450 paragraphs, alleging antitrust and unfair competition claims against half a dozen separately-represented groups of Defendants. Dkt. 192. The FAC is more than twice as long as Plaintiffs' original complaint, and the parties previously stipulated to, and the Court approved, ten weeks to respond to the original complaint. *See* Dkt. 1; Dkt. 75. Moreover, Defendants have not even seen the full FAC yet because it was filed under seal, and Plaintiffs have conditioned service of the unredacted FAC on Defendants' agreement that only outside counsel can see the redacted material. Weber Decl. ¶ 3, Ex. A. Because this would prevent Defendants' clients from viewing the entirety of the allegations against them, Defendants are still considering whether to assent to Plaintiffs' attempted unilateral imposition of outside counsel's eyes only status for portions of the FAC.

Given the above, Defendants' respectfully request an extension of seven weeks, for a total of nine weeks, to respond to the FAC. This extension will provide Defendants with the opportunity to adequately address Plaintiffs' voluminous allegations which, just by way of example, include more than a dozen new purported antitrust "markets." It will also give Defendants sufficient time to coordinate regarding a joint response, thereby saving the Court and

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<sup>1</sup> Fortress Investment Group LLC, Fortress Credit Co. LLC, Uniloc 2017 LLC, Uniloc USA, Inc., Uniloc Luxembourg S.a.r.l., VLSI Technology LLC, Inventergy Global, Inc., INVT SPE LLC, IXI IP, LLC, and Seven Networks, LLC.

1 the parties from the burden of having to address multiple responsive pleadings. The extension will  
 2 not prejudice Plaintiffs in any way, and Defendants are willing to give Plaintiffs the same  
 3 extension to file their oppositions.

4 Defendants regret burdening the Court with this motion, but despite their best efforts, they  
 5 have been unable to reach a resolution with Plaintiffs. Weber Decl. ¶ 4, Ex. A. In response to  
 6 Defendants' request for a seven-week extension, Plaintiffs offered a two-week extension and then  
 7 a three-week extension in response to further negotiations. *Id.* The Parties were unable to reach a  
 8 compromise that Defendants believe is sufficient in light of the considerations outlined above. *Id.*  
 9 Because Defendants did not want to further delay given the upcoming deadlines, they filed the  
 10 present motion. *Id.*

11 Defendants accordingly respectfully request that the Court extend Defendants' deadlines to  
 12 file responsive pleadings to the FAC by seven-weeks until October 6, 2020. In the alternative,  
 13 Defendants respectfully request a five-week extension until September 22, 2020, or, at the very  
 14 least, the three-week extension to September 8, 2020, as offered by Plaintiffs. Should Defendants  
 15 file a responsive motion(s), Plaintiffs could receive the same extension for their opposition(s), and  
 16 Defendants' reply(ies) would be extended by half the length of the extension for the opposition  
 17 papers, as is the case under Local Rule 7-3.

18 Dated: August 7, 2020

Respectfully submitted,

19 IRELL & MANELLA LLP

20 By: /s/ A. Matthew Ashley

21 A. Matthew Ashley  
 22 Counsel for Defendants  
 23 FORTRESS INVESTMENT GROUP LLC,  
 24 FORTRESS CREDIT CO. LLC,  
 25 VLSI TECHNOLOGY LLC

26 /s/ Christopher A. Seidl

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/s/ Samuel F. Baxter

DEF. MOTION AND [PROPOSED] ORDER TO EXTEND  
DEADLINES AND SET BRIEFING SCHEDULE  
Case No. 3:19-cv-07651-EMC

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SEVEN NETWORKS, LLC

**ORDER**

Having considered the parties' submissions, the record, and the applicable law, the Court GRANTS Defendants' motion to extend Defendants' deadlines to respond to the FAC and set a briefing schedule. If Defendants file motions to dismiss and/or strike, Plaintiffs have until December 8, 2020 to file their opposition brief(s) and Defendants have until January 8, 2020 to file their reply brief(s).

DATED: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Edward M. Chen  
United States District Judge

**ECF ATTESTATION**

I, Olivia Lauren Weber, am the ECF user whose ID and password are being used to file DEFENDANTS' JOINT MOTION AND [PROPOSED] ORDER TO EXTEND DEFENDANTS' DEADLINES TO RESPOND TO THE FIRST AMENDED COMPLAINT AND SET A BRIEFING SCHEDULE. I hereby attest that I received authorization to insert the signatures indicated by a conformed signature (/s/) within this e-filed document.

By: /s/ Olivia Lauren Weber  
Olivia Lauren Weber